

REMARKS/ARGUMENTS

The present Amendment cancels claims claim 1-10, 15, and 17-20 without prejudice; amends claims 11-14 and 16; and adds new claims 21-35. Upon entry of this Amendment, claims 11-14, 16, and 21-35 will be pending. Accordingly, with the cancellations and additional new claims, the application presents twenty (20) total claims of which two are in independent form (claims 11 and 30). For any additional fees which are deemed necessary following submittal of this Amendment, the undersigned hereby authorizes such fees to be charged to our deposit account, Deposit Account No. 061910.

In the Office Action, Examiner rejects claims 13-16 under U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. With respect to claim 13, Examiner states that Applicant positively recites a rod with “a plunger” at one end which is unclear and confusing as to whether the Applicant is reciting another “plunger” which is different from the plunger as recited in claim 12. In accordance with this amendment, Applicant has amended claim 13 to not include any reference to “a plunger”. As such, Examiner’s rejection of claims 13-16 is rendered moot.

In the Office Action, Examiner rejected claim 11 under 35 U.S.C. 102(b) as being clearly anticipated by Shaide (U.S. Patent No. 5,518,291). In addition, Examiner rejects claims 11-13 under 35 U.S.C. 102(e) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Chi (U.S. Patent No. 6,659,560). Examiner states that Chi shows the use of a backrest (23) which moves forwards and backwards relative to a seat cushion (Fig. 1). In addition, Examiner states that Chi shows the use of a platform (24) with a plurality of holes therein (which Examiner says is the mechanical equivalent of a slot) sandwiched between a depressed track (116) and a

bracket thereof (111) (Fig. 2). Further, Examiner states that Chi shows a button mechanism (12, 14) comprising a rod and plunger (12) selectively engaging one of the holes in order to move or lock the backrest along the seat. Examiner states that Chi only lacks teaching use of a slot in a platform but contends that the plurality of holes is a mechanical equivalent of a slot.

Applicant has amended claim 11 to involve an “adjustable seat assembly for a vehicle” comprising an “elongate straddle-type seat” and a “body including a backrest”, wherein the seat and body are operatively joined by respective “first and second portions of a sliding guide track assembly”. The backrest covers the sliding guide track assembly “in at least one position of the body on the seat”.

Shaide teaches a backrest assembly base member 5 which is attached to a backrest member 3 (Fig. 1; col. 3, lines 54-55), and further teaches the backrest assembly 3 including a backrest mounting assembly. The backrest mounting assembly may include at least one strap to secure the backrest assembly to a vehicle (col. 5, lines 32-35). In addition, Shaide teaches the backrest mounting assembly to include at least one elongated adjusting and securing member receiving slot [9 and 11] to adjustably secure the backrest assembly to the backrest mounting assembly (Fig. 2; col. 5, lines 50-54). Shaide further teaches an adjusting and securing member, e.g., a bolt 19, used to secure the backrest assembly and the backrest mounting assembly together (Fig. 5; col. 7, lines 57-59). Nowhere in Shaide is there a teaching that the backrest member covers the elongated adjusting and securing member receiving slot and the adjusting and securing member in at least one position of the backrest assembly on the backrest mounting assembly. As such, Applicants believe that claim 11, as amended, is patentable over Shaide. Further, claims 12-14, 16, and 21-28, either directly or through other claims, are all dependent from claim 11, and as such, are believed by Applicants to also be patentable over Shaide.

Chi teaches a chair having a seat 21 and back 23 (Fig. 1; col. 1, lines 11-14). The seat 21 includes connecting elements 1 used in adjustably securing a bent support plate 24 extending from the back 23 to the seat 21 (Fig. 1; col. 1, lines 11-16; col. 2, lines 20-21). The connecting elements 1 include a middle recess 116 used as a holding space for the bent support plate 24 (Fig. 2; col. 2, lines 38-40). Both the connecting elements 1 and the bent support bracket 24 have respective holes 115 and 243, defined to accommodate a locating pin 12 so as to secure the bent support plate 24 to the connecting elements 1 of the seat 21 (Fig. 2; col. 2, lines 58-59; col. 3, lines 4-6). A control member 14 is further used to hold the locating pin 12 to the connecting element 1 (Fig. 2; col. 2; lines 66-67). Nowhere in Chi is there a teaching that the back 23 covers the connecting elements 1 in at least one position of the back 23 on the chair. As such, Applicants believe that claim 11, as amended, is patentable over Chi. In addition, claims 12-14, 16, and 21-28, either directly or through other claims, are all dependent from claim 11, and as such, are believed by Applicants to also be patentable over Chi.

New claim 30 involves an “adjustable seat assembly for a vehicle” comprising an “elongate straddle-type seat” and a “backrest body”, wherein the seat and backrest body are operatively joined by respective “first and second portions of a sliding guide track assembly”. The backrest body is “operatively coupled to a locking mechanism”.

In reference to above-described teachings of Shaide, there is no teaching that the adjusting and securing member is operatively coupled to the backrest assembly. Additionally, in reference to above-described teachings of Chi, there is no teaching that the locating pin 12 is operatively coupled to the back 23 (via the support plate 24). As such, Applicants believe that claim 30 is patentable over Shaide and Chi. In addition, claims 31-35, either directly or through

other claims, are all dependent from claim 30, and as such, are believed by Applicants to also be patentable over Shaide and Chi.

Applicants believe that the amendments are fully supported by the specification and application as a whole. Applicants have amended the claims solely to advance prosecution of this application and to obtain the allowance of claims at the earliest possible date. No admission should be inferred by these amendments. Applicants reserve the right to prosecute the originally filed claims in a continuation application.

In light of the above, Applicants submit that the present rejections should be withdrawn and prompt allowance of this application is respectfully requested. If the Examiner feels that prosecution of the present application can be materially advanced by a telephonic interview, the undersigned would welcome a call at the number listed below.

Respectfully submitted,



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